IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 29036 of 2007(F)

PETITIONER:

JISHA,
MANIMARKET, COLLEGE ROAD, ATTINGAL,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.R.SIVAKUMAR,
ADV. SMT.G.VIDYA.

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE (RURAL),
OFFICE OF THE SUPERINTENDENT OF POLICE (RURAL),
THIRUVANANTHAPURAM.

2. THE STATION HOUSE OFFICER/
SUB INSPECTOR OF POLICE, MANGALAPURAM POLICE
STATION, THIRUVANANTHAPURAM.

***3. ANANDAN,**
CONVENER, C.I.T.U., SHASTHAVATTAM UNIT,
THIRUVANANTHAPURAM.

***4. S. UDAYAKUMAR,**
CONVENER, SHASTHAVATTAM UNIT,THIRUVANANTHAPURAM.

W.P.(C). NO.29036/2007:

***5. SUSHEELAN,**
CONVENER, BMS, POTHUVALVEEDU, SHASTHAVATTAM UNIT,,
THIRUVANANTHAPURAM.

***ADDRESS OF R3 TO R5 CORRECTED:**

***R3. ANANDAN, CONVENOR, C.I.T.U, REG. NO. 146/70,**
SHASTHAVATTAM UNIT, SHASTHAVATTOM.P.O.,
PERUNKUZHY VIA, THIRUVANANTHAPURAM DISTRICT.

***R4. S. UDAYAKUMAR, CONVENOR, CONGRESS INTUC,**
REG. NO. 378/73, SHASTHAVATTOM UNIT,
SHASTHAVATTOM.P.O., PERUNKUZHY VIA,
THIRUVANANTHAPURAM DISTRICT.

***R5. SUSHEELAN.S., PUTHUVALVEEDU,**
SHASTHAVATTOM.P.O.,
PERUNKUZHY VIA, THIRUVANANTHAPURAM DISTRICT.

***ADDRESS OF R3 - R5 CORRECTED AS PER ORDER DATED 03/10/07 IN I.A. 13196/07.**

BY ADV. SRI.S.ABDUL RAZZAK,
GOVT. PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO. 29036/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE DEED OF PARTNERSHIP DTD. 20/08/04.

EXT.P.2: COPY OF THE ARTICLE OF AGREEMENT DTD. 19/04/07.

EXT.P.3: COPY OF THE LOADING RATE SIGNED BY THE R.3. DTD. 23/04/07.

EXT.P.4: THE LOADING RATE ENTERED BETWEEN THE KERALA MERCHANT ASSOCIATION WITH LABOUR UNION.

EXT.P.5: COPY OF THE PETITION DTD. 24/09/07.

EXT.P.6: COPY OF THE VOUCHERS ISSUED BY 3 TO 5 RESPONDENTS.

RESPONDENT'S EXHIBITS:

EXT.R5.A: COPY OF THE KHLW REGN. IDENTITY CARD.

EXT.R5.B: COPY OF THE KHLW NOTIFIED WAGES.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 29036 OF 2007-F

Dated 16th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is a building contractor. She has been awarded the work of constructing a school building for Sri Sri Ravi Shankar Vidhya Mandir Trust. Regarding the rates for unloading various building materials, the petitioner entered into an agreement with the 3rd respondent's Union, a copy of which is produced as Ext.P3. While so, the respondents 3 to 5 and their workmen started causing obstruction, demanding higher rate for unloading the building materials. So, the petitioner filed Ext.P5 representation before the police, seeking protection for doing the unloading work in her work site. Thereafter, this writ petition is filed, seeking appropriate reliefs According to her, the workmen under the above respondents are demanding exorbitant rates for the unloading work. They are also indulging in criminal actions like causing obstruction to the

construction work.

2. The 5th respondent has filed a counter affidavit, denying the allegations of the petitioner. According to the said respondent, the area in question is Mangalapuram Panchayat and the rates applicable for unloading work in the area is presently governed by Ext.R5(b) agreement concluded on 30.05.2007. It is submitted that the members of the Unions represented by respondents 3 and 5 are willing to do the unloading work at the rates provides in Ext.R5(b). The learned counsel for the petitioner submitted that the petitioner has no objection in paying the rates as provided in Ext.R5(b) agreement.

3. We heard the learned Government Pleader for the official respondents also. In view of the submissions made on behalf of the workmen and the petitioner regarding the rates of loading and unloading work, we hope that there is no scope for any further dispute between the parties. We also hope that if there is any difference of opinion, the parties will take the matter before the concerned conciliation officer and try to settle the same. If there is any commission of cognizable offence and report of the same is received, the police shall take appropriate action in

accordance with law and avert breach of peace.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/